

Remarks

The present Response is to the Office Action mailed 11/13/2009. Claims 13 and 15-23 are presented for examination.

Response to Arguments

3. **Applicant's arguments filed 8/18/2009, regarding the 35 USC 103 rejection set forth in section 10 of the previous Office action mailed 6/9/2009 have been fully considered but they are not persuasive. Accordingly, said rejection is sustained as set forth and explained further below.**

Applicant argues on page 6:

"...Schrader has nothing to do with applicant's argument stating that the art of Schrader fails to teach bill pay software enabling the user to access an interactive interface where the user may view and pay selected itemized bills, as claimed. Bills are not presented in a window provided by Schrader's software, only payment options to vendors. Schrader merely teaches a system for registering vendors to be paid electronically using a single financial account. The actual limitation of "interactive interface where the user may view and pay selected itemized bills" is not part of the Schrader teaching. A user may personally navigate to a vendor site and view a bill to be paid, but that is the extent of Schrader's teaching. Schrader specifically teaches that "Once the accounts have been registered, the user may create transactions in these accounts."

Response:

A. Schrader clearly discloses an interactive interface where the user may pay selected bills in, for example, the abstract

"The software product and system **supports online bill payment**, electronic funds transfer, and checkbook transactions, without requiring navigation through multiple, separate user interfaces for different modules of the product." (Emphasis added)

Figure 1 item 105, Figure 4, Column 1, line 62 to Col. 2 line 26, (see the portion reproduced immediately below), etc.:

From the user's perspective, this banking activity is clearly an integrated three since the user must integrate three tasks—writing checks to pay other bills, obtaining cleared transactions and current balance from the bank, and determining a combined current balance based on this information—before writing the credit card bill.

Accordingly, there is a need to provide an online banking software product and system that supports the integration of these tasks and their underlying information components.

B. Schrader, clearly teaches viewing an itemized bill in, for example, Figure 6,

"FIG. 6 is an illustration of a user interface for an online banking software product for downloading account data."

See also, for example, Col. 5 lines 21-35 (reproduced immediately below)

"The need for easy-to-use and efficient online banking software products and systems becomes even more pronounced when considering that different users have different needs, expectations, and abilities. Research has shown that there are two types of users of financial software products: Organizers and Transactors. **Organizers specifically intend to use their financial software products to organize, categorize, and track their finances with precision and detailed accuracy.** For these types of users, conventional software products that provide the ability to categorize transactions, produce complex reports of income and expenses, and the like are seen as useful tools." (Emphasis added)

Applicant's response

Applicant understands the Examiner relies upon the credit card account provided by software at Wells Fargo in Schrader to read on applicant's claimed ability to select, view and pay itemized bills. Applicant points out that the software at Wells Fargo provides a user with an interface for accessing viewing and paying a proprietary credit card account held at Wells Fargo. Therefore, applicant amends the claim to clarify that a first Internet site is accessible by the computerized appliance comprising bill-payment software providing an interactive interface enabling the user to select, view and pay itemized bills gathered from billing sources at third Internet sites. Applicant argues that the art of Schrader allows a user to navigate to one Internet site at Wells Fargo and view and pay a credit card bill. The credit card bill may teach itemized transactions, but these transactions are not itemized bills gathered from third Internet sites, as claimed. Schrader merely teaches that a user can log onto their account at a single biller and pay their bill. Applicant's invention improves upon this art by providing bills for payment to a user that were gathered for the user at third enterprise sites. Schrader does not teach or suggest gathering bills from other Internet sites and presenting them to the user and providing a facility to select and pay those bills. Schrader provides one site from one biller wherein a user can pay the bill at the site.

The Examiner continues

4. Applicant's arguments filed 8/18/2009, regarding the 35 USC 102 rejection set forth in section 9 of the previous Office action mailed 6/9/2009 have been fully considered but they are not persuasive.

Applicant argues on page 9:

"Applicant herein argues that the art of Remington fails to teach applicant's limitation including "a second Internet site accessible to the first Internet site, the second Internet site providing automated navigation to billing sources subscribed to by the user, following pre- programmed instructions provided by the user, collecting itemized bills and bill related data, and providing

same to the first server node." There is no navigation facility in Remington. The portion of Remington relied upon by the Examiner (Fig. 11, col. 16) teaches an intermediary server providing a "staging site" where billers can post their bills and a user can access the intermediary site to see the bills and pay them."

Response:

The Examiner has cited particular columns and line numbers in the references as applied to the claim(s) as nearly as practicable. Although the specified citations are representative of the teachings in the art as applied to the specific limitations within the individual claim(s), other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing any responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner. See MPEP 2260 [R-5], and 37 CFR 1.104(c)(2)

"In rejecting claims for want of novelty or for obviousness, the examiner must cite the best references at his or her command. When a reference is complex or shows or describes inventions other than that claimed by the applicant, the particular part relied on must be designated as nearly as practicable. The pertinence of each reference, if not apparent, must be clearly explained and each rejected claim specified"

The pertinence of the Remington reference is readily apparent, because, for example, Remington is directed towards an "Electronic Bill presentment and Payment system." Accordingly the ENTIRE reference is pertinent to applicant's claimed invention. Remington clearly teaches that it is know for See for example, Col. 15, lines 57+, reproduced immediately below:

"The FIG. 4 implementation is beneficial in that the bill presentment and payment process is conducted entirely electronically. Paper bills, conventional mail services, and envelop opening and encoding tacks are completely eliminated. Another benefit is that the biller customizes the type and format of remittance information that it wants returned rather

than conforming to a foreign format dictated by a bank, network, or other third party. This enables the biller to integrate the payment remittance and presentment software **with its existing accounting software** with minimal cost or interruption." (Emphasis added)

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Applicant's response:

Applicant points out that the claim in question clearly recites, "... second Internet site providing automated navigation to the billing sources on the Internet subscribed to by the user, following pre-programmed instructions provided by the user, collecting itemized bills and bill-related data, and providing the itemized bills and bill-related data to the first Internet site".

Applicant has read Remington in its entirety and nowhere in the reference is a teaching or suggestion of providing automated navigation and gathering bills for a user and providing said bills to the user at the first Internet site.

Applicant argues that the Examiner's ability to provide Remington, which teaches providing an Internet site where a biller can post a bill for a user cannot read or suggest the automated navigation as claimed in applicant's invention. Applicant does not claim enabling the biller to integrate the payment remittance and presentment software **with its existing accounting software** with minimal cost or interruption. Therefore, the Examiner's presenting this teaching in Remington has absolutely no bearing on applicant's limitation, as claimed. Applicant respectfully requests the examiner provide art that actually teaches applicant's invention, as claimed, or allow the case to issue.

Claim Rejections - 35 USC § 102

6. **Claims 13 and 15-23 are rejected under 35 U.S.C. 102(a) as being anticipated by U.S. Patent 6,070,150 to Remington et al. (Remington).**

See the discussion set forth in section 4 above.

Applicant's response:

Applicant refers the Examiner to the arguments provided above. Also, as previously argued the art of Remington fails to teach applicant's limitation including "a second Internet site accessible to the first Internet site, the second Internet site providing automated navigation to billing sources subscribed to by the user, following pre-programmed instructions provided by the user, collecting itemized bills and bill related data, and providing same to the first server node." There is no navigation facility in Remington. The portion of Remington relied upon by the Examiner (Fig. 11, col. 16) teaches and intermediary server providing a "staging site" where billers can post their bills and a user can access the intermediary site to see the bills and pay them. Remington teaches:

The biller 112 sends bill 128 and remittance information 130 to the intermediary 252 for staging. The intermediary 252 transfers the bill and remittance information to the appropriate consumers 114 at the prescribed billing times. Alternatively, the consumer 114 can periodically access the intermediary 252 for bills in his/her name or account number. The electronic transmission is carried out over the network 116. (col. 16, lines 35-42)

Applicant believes that Remington still fails to teach all of the limitations of applicant's claim 13, therefore the 102 rejection fails.

Claim Rejections - 35 USC § 103

7. Claims 13 and 15-23 are rejected under 35 U.S.C. 103(a) as being obvious over U.S. Patent 5,903,881 to Schrader et al. (Schrader) in view of MPEP section 2144.04 for the reasons set forth in section 10 of the previous office action mailed 6/9/2009, which in turn refers back to section 8 of the previous office action mailed 2/11/2008.

See the discussion set forth in section 3 above.

8. Claims 13 and 15-23 are rejected under 35 U.S.C. 103(a) as being obvious over U.S. Patent 6,070,150 to Remington et al. (Remington) in view of MPEP section 2144.04.

Remington discloses applicant's invention as explained in section 9 of the previous Office action mailed 6/9/2009.

It appears applicant is of the opinion that Remington fails to disclose "a second Internet site accessible to the first Internet site, the second Internet site providing automated navigation to billing sources subscribed to by the user, following preprogrammed instructions provided by the user, collecting itemized bills and bill related data, and providing same to the first server node."

Although the Examiner considers Remington to disclose these limitations as explained in section 4 above, resort may be had to MPEP 2144.04.VI.B. and C. REVERSAL, DUPLICATION, OR REAR-RANGEMENT OF PARTS to show that there is no novelty in merely rearranging which part of the system stores or accesses the billing information. The fact remains Remington clearly teaches itemized bills being presented and paid through an online electronic system.

B. Duplication of Parts

In re Harza, 124 USPQ 378 (CCPA 1960)

"Mere duplication of parts has no patentable significance unless new and unexpected result is produced"

C. Rearrangement of Parts

In re Japikse, 181 F.2d 1019, 86 USPQ 70 (CCPA 1950)

(Claims to a hydraulic power press which read on the prior art except with regard to the position of the starting switch were held unpatentable because shifting the position of the starting switch would not have modified the operation of the device.);

In re Kuhle, 526 F.2d 553, 188 USPQ7 (CCPA 1975)

(the particular placement of a contact in a conductivity measuring device was held to be an obvious matter of design choice). However, "The mere fact that a worker in the art could rearrange the parts of the reference device to meet the terms of the claims on appeal is not by itself sufficient to support a finding of obviousness. The prior art must provide a motivation or reason for the worker in the art, without the benefit of appellant's specification, to make the necessary changes in the reference device." Ex parte Chicago Rawhide Mfg. Co., 223 USPQ 351, 353 (Bd. Pat. App. & Inter. 1984)

In re Dulberg, 129 USPQ 348, (CCPA 1961)

"It has been held that constructing a formerly integral structure in various elements involves only routine skill in the art."

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Remington **to include** "a second Internet site accessible to the first Internet site, the second Internet site providing automated navigation to billing sources subscribed to by the user, following pre-programmed instructions provided by the user (e.g. login name and password), collecting itemized bills and bill related data, and providing same to the first server node." for the benefits of, for example, having faster access to information as the user can be using a separate module of the system while the information is being collected by another application. Further, as cited above, it is routine for one of ordinary skill in the art would to construct a formerly integral structure (i.e. ANY physical part, method step or process of paying bills set forth in Remington) in various elements as NO NEW AND UNEXPECTED result is produced.

Applicant's response:

Applicant points out that the reference of Remington teaches (Abstract) A bill presentment and payment remittance system is configured for use over an electronic network, such as the Internet. **The bill presentment and payment remittance system allows the biller to create a bill and payment remittance information in a format specified by the biller. The biller submits the bill and associated payment remittance information by electronically transmitting it over the Internet to the consumer.**

Applicant points out that no amount of finessing by the Examiner can change the clear recitation of applicant's claimed limitations or the clear teaching of Remington. Remington plainly teaches that the biller sends the bill to the consumer. No automated navigation on the Internet to the biller takes place at the second Internet site. No person with any reasonable skill in the art could interpret Remington's teaching otherwise.

Applicant points out that the Examiner is plainly inconsistent in the reasoning provided for the 103 rejection regarding Remington, provided above. The Examiner states, " Although the Examiner considers Remington to disclose these limitations as explained in section 4 above, resort may be had to MPEP 2144.04.VI.B. and C. REVERSAL, DUPLICATION, OR REAR-RANGEMENT OF PARTS to show that there is no novelty in merely rearranging which part of the system stores or accesses the billing information. The fact remains Remington clearly teaches itemized bills being presented and paid through an online electronic system. The Examiner then provides reasoning for obviousness stating, " At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Remington **to include** "a second Internet site accessible to the first Internet site, the second Internet site providing automated navigation to billing sources subscribed to by the user, following pre-programmed instructions provided by the user (e.g. login name and password), collecting itemized bills and bill related data, and providing same to the first server node." for the benefits of, for example, having faster access to information as the user can be using a separate module of the system while the information is being collected by another application. Further, as cited above, it is routine for one of ordinary skill in the art would to construct a formerly integral structure (i.e. ANY physical part,

method step or process of paying bills set forth in Remington) in various elements as NO NEW AND UNEXPECTED result is produced." Applicant points out that is one must **include** said limitation to the teaching of Remington then how can all the parts be present to rearrange, duplicate or reverse? Clearly the Examiner is adding subject matter to the teaching of Remington that is not actually present in the teaching. Applicant argues that it was not known in the art as of the established priority date of applicant's present invention to provide automatic gathering and presenting of bills for users on the Internet.

Applicant does provide an amendment to claim 13 for clarification that the previous term "same" actually refers to the itemized bills and bill-related data. Applicant points out to the Examiner that applicant's claim limitation clearly recites, " the second Internet site providing automated navigation to the billing sources on the Internet subscribed to by the user, following pre-programmed instructions provided by the user, collecting itemized bills and bill-related data, and providing the itemized bills and bill-related data to the first Internet site. Applicant argues that applicant's said limitation does not rearrange parts, commit reversal, and duplication does not occur between Remington and the present invention, as claimed. Remington does not teach or suggest teach applicant's claimed limitation including "a second Internet site accessible to the first Internet site, the second Internet site providing automated navigation to billing sources subscribed to by the user, following pre-programmed instructions provided by the user, collecting itemized bills and bill related data, and providing same to the first server node." **There is no navigation facility in Remington.**

Regarding the 103 rejection relying upon Schrader, applicant argues that the art of Schrader allows a user to navigate to one Internet site at Wells Fargo and view and pay a credit card bill. The credit card bill may teach itemized transactions, but these transactions are not itemized bills gathered from third Internet sites, as claimed. Schrader merely teaches that a user can log onto their account at a single biller and pay their bill. Applicant's invention improves upon this art by providing bills for payment to a user that were gathered for the user at third enterprise sites. Schrader does not teach or suggest gathering bills from other Internet sites and presenting them to the user and providing a facility to select and pay

those bills. Schrader provides one site from one biller wherein a user can pay the bill at the site.

Applicant points out that Schrader's Fig. 6 teaches a view of another user interface screen of the Well Fargo Online™ Banking product. Here, the user can download cleared transactions into a specific file format. Applicant points out that the cleared transactions are transactions depicted at a single financial account at Wells Fargo. Schrader also fails to teach or suggest applicant's claim 13, as amended (see above provided arguments in Response to Arguments)

Applicant believes claim 13 is clearly patentable over the art as argued above and as evidenced by the Examiner's lack of valid art teaching or suggesting all of the limitations recited in applicant's claims. Claims 15-23 are patentable on their own merits, or at least as depended from a patentable claim.

Summary

As all of the claims, as amended and argued above, have been shown to be patentable over the art presented by the Examiner, applicant respectfully requests reconsideration and the case be passed quickly to issue.

If any fees are due beyond fees paid with this amendment, authorization is made to deduct those fees from deposit account 50-0534. If any time extension is needed beyond any extension requested with this amendment, such extension is hereby requested.

Respectfully Submitted,
Srihari Kumar et al.

By /Donald R. Boys/
Donald R. Boys
Reg. No. 35,074

Central Coast Patent Agency, Inc.
3 Hangar Way, Suite D
Watsonville, CA 95076
(831) 768-1755